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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas**

The Honorable Patrick C. Fant, III

**Appellate Case No.: 2025-001623
Civil Action Case No.: 2019CP2306363
Consolidated Civil Action No.: 2017CP2306127**

Enoree Fork Baptist Church Plaintiff

v.

Sylvester Jackson, Stepping-Stone Ministries, Inc., William M. Landreth, Landreth Properties, LLC, Cordell Porter, Donald Cox Ernest Murray, CresCom Bank/Formerly Greer State Bank, and Rodney Butler Defendants,

AND

Sylvester Jackson, Karen Robinson, Michael Robinson, Dorothy Williams, John Woodfold, Ernest "Terry" Murray, Donald Cox, Timothy McBee, Derrick Cox, Reginald Jackson, Willie Foster, Cynthia Robinson, Zelma Brown, Telek Cobb, Sarah Thomason, and Thurshia Jamieson-Jackson Respondents,

v.

Charles "Bennie" Smith, Robin Smith, Larry Dawkins, Mable Dawkins, Jimmy Davis, Brenda Davis, Dorothy Thomason, L.C. Thomason, and James Sims Appellants.

RETURN AND MEMORANDUM IN OPPOSITION TO RESPONDENTS' RETURN TO ENOREE FORK BAPTIST CHURCH'S MOTION TO MAKE AN APPEARANCE AND LIMITED REPRESENTATION

In accordance with Rules 205, 240, and 241 of the SCACR, Enoree Fork Baptist Church ("the Church"), by and through counsel, hereby submits this Memorandum in Opposition to Respondents' Return as follows:

I. INTRODUCTION

Respondents' Return fundamentally mischaracterizes the nature of the Church's motion and the legal standards applicable to constitutional and jurisdictional challenges. The Church does not seek "intervention" or "joinder" but rather seeks to protect its constitutional rights from void orders entered without jurisdiction or due process. Such challenges transcend ordinary procedural barriers and demand immediate appellate attention.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

A. The Church Was Never Named as a Party

Enoree Fork Baptist Church was NOT named as a party in the lead action brought by various individual plaintiffs. Neither was the Church properly served with process, nor did it ever appear through counsel in that action. This fundamental fact underlies all constitutional and jurisdictional challenges that follow.

Respondents only sued a subset of the membership of Enoree Fork Baptist Church by naming Charles "Bennie" Smith, Robin Smith, Larry Dawkins, Mable Dawkins, Jimmy Davis, Brenda Davis, Dorothy Thomason, L.C. Thomason, and James Sims as parties. These nine members do not represent the Church Congregation.

B. Orders Binding the Church Entity Despite Non-Party Status (Exhibit 3-Judge Fant's Order) (File July 31, 2025).

Despite its absence as a party, Judge Fant's Final Order of July 31, 2025 mandated extensive actions affecting EFBC as a corporate entity. Specifically, the trial court's orders:

1. **"Restored status quo"** and compelled meetings affecting the Church's internal governance;
2. **Prescribed a voting process** and set church membership eligibility requirements;

3. **Supervised internal governance matters** including the authority structure of the Church;
4. **Ordered a congregational meeting** with court-specified terms and conditions;
5. **Specified a list of eligible voting members** from competing factions within the congregation;
6. **Dictated the terms** for the possible removal of the Pastor and other church officers; and
7. **Retained ongoing jurisdiction** over church operations until a court-mandated vote was concluded.

These orders directly regulate the Church's internal governance, ministerial authority, and ecclesiastical decision-making processes.

C. The Church's Attempts to Protect Its Rights

The Church sought appearance and limited participation to protect its interests as a non-party entity bound by the trial court's orders. This issue was raised in a Supplemental Rule 59 Motion before Judge Fant. However, Judge Fant refused to hear the issue and summarily dismissed Enoree Fork's Motion for limited appearance. (**Exhibit 1 filed on August 8, 2025 in Court of Common Pleas**).

The Church's constitutional and jurisdictional objections were formally preserved when Judge Fant denied all Rule 59(e) motions on August 12, 2025. The Court's August 12, 2025 Order specifically denied: (**Exhibit 4-Judge Fant Order Denying Rule 59 Relief or even a hearing**).

"Defendants' Motion to Alter or Amend Judgment, For Rehearing, or **Vacatur (Rule 59, SCRCF)**" (**Filed August 5, 2025**).

"Defendants' Supplemental Rule 59(e) Motion" Including Enoree Fork Baptist Church's Motion to appear in a limited capacity. (**Exhibit 1**) (**Filed August 8, 2025**).

Appellants also filed a Writ of Supersedes (field on August 5, 2025) and Motion to Stay (Filed August August 5, 2025) below both of which were denied by Judge Fant on August 12, 2025 without hearing. (Exhibits 4, 5, and 6).

D. Respondents' Opposition to Church Participation

Respondents now argue in their Return that the Church cannot appear or participate, relying on theories of preservation, party status, and assertions that the entity suffers no prejudice. These arguments fundamentally mischaracterize both the law and the Church's limited appearance below and before the Appellate Court seeking only vacatur of void orders.

III. RESPONDENTS MISUNDERSTAND THE NATURE OF CONSTITUTIONAL AND JURISDICTIONAL CHALLENGES

A. Jurisdictional and Constitutional Issues Cannot Be Waived

Contrary to Respondents' assertions, jurisdictional and constitutional issues are never waived and may be raised at any time, even for the first time on appeal. As established in *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94-95 (1998), subject matter jurisdiction challenges "may not be waived" and courts have a "continuing obligation" to examine their own jurisdiction. This principle applies with equal force to constitutional violations that affect jurisdiction over non-parties.

Under South Carolina law, as confirmed in *Knotts v. Williams*, 319 S.C. 473, courts lack jurisdiction to adjudicate internal church matters unless the church itself or its governing body is properly named as a party. Non-parties cannot be bound by judicial determinations unless they are named and represented in the litigation. This principle ensures procedural fairness and respects the autonomy of religious organizations.

To reiterate subject matter jurisdiction cannot be waived under South Carolina law. It is a fundamental principle that a court's power to hear and adjudicate a particular class of cases is not subject to the consent or agreement of the parties. This principle is codified in South Carolina Rule of Civil Procedure 12(h)(3), which explicitly states that the defense of lack of subject matter jurisdiction can be raised at any time and cannot be waived. Additionally, South Carolina courts have consistently held that subject matter jurisdiction may be raised for the first time on appeal or even sua sponte by the court itself, as seen in cases such as Lake v. Reeder Constr. Co., 330 S.C. 242 and All Saints Parish v. Protestant Episcopal Church, 358 S.C. 209, Eaddy v. Eaddy, 283 S.C. 582.

For Example, in Knotts v. Williams, 319 S.C. 473, the South Carolina Supreme Court addressed the issue of jurisdiction in the context of a church dispute. The court emphasized that it is not the function of civil courts to dictate procedures for a church to follow, and it limited its jurisdiction to interpreting the final actions of the church. The court ultimately held that the trial court erred in exercising jurisdiction over the matter because the congregation had not taken any action regarding the lawsuit, thereby affirming the principle that courts must respect the boundaries of their jurisdiction Knotts v. Williams, 319 S.C. 473, Pearson v. Church of God, 325 S.C. 45.

Furthermore, the inability to waive subject matter jurisdiction is particularly significant in cases involving non-parties. Rule 19 of the South Carolina Rules of Civil Procedure requires the joinder of necessary parties if their absence would prevent complete relief or impair their interests. However, even if such parties are not joined, the court's lack of subject matter jurisdiction cannot be remedied by the parties' consent or inaction Rule 19, SCRPC. This

underscores the non-waivable nature of subject matter jurisdiction and its critical role in ensuring that courts only adjudicate matters within their authority.

The preservation requirement cited by Respondents in *Elam v. S.C. Dep't of Transp.* applies only to ordinary legal and factual issues, not to fundamental jurisdictional and constitutional defects that render proceedings void ab initio.

B. The Church's Objections Were Properly Preserved

Contrary to Respondents' false assertion that jurisdictional objections were not "raised below," the record clearly demonstrates that constitutional and jurisdictional challenges to the trial court's authority over the Church entity were repeatedly raised and formally denied, preserving them for appellate review. (Exhibits 1, 2, 5 and 6).

C. Due Process Violations Require No Specific Preservation

When a court purports to bind a non-party without proper notice or service, due process violations are manifest and require no preservation.. See *Knotts v. Williams*, 319 S.C. 473 . Moreover, a court order issued to a church that was not named as a party in the litigation is invalid. **The court in *Knotts* emphasized that non-parties cannot be bound by judicial determinations unless they are properly named and represented in the action, ensuring that all relevant parties have an opportunity to participate in the litigation and protecting the procedural rights of non-parties. (Emphasis added).**

IV. THE CHURCH'S MOTION SEEKS VACATUR OF VOID ORDERS, NOT INTERVENTION

A. Void Orders May Be Challenged at Any Time

Respondents incorrectly characterize the Church's motion as seeking "intervention" or "joinder." The Church seeks vacatur of orders that are void for lack of jurisdiction over a non-

party entity. Orders binding non-parties are void ab initio and subject to collateral attack at any time. *Knotts v. Williams*, 319 S.C. 473, 477 (1995).

Under South Carolina law, court orders issued to a church that was not named as a party in litigation are invalid and unenforceable. The procedural rights of non-parties must be respected, and courts must avoid interfering in ecclesiastical matters.

B. Limited Appearance to Challenge Jurisdiction Is Proper

The Church's limited appearance to challenge void orders is not only proper but necessary to protect the integrity of the judicial system. Courts have inherent authority to remedy void proceedings that exceed their jurisdiction. The Church does not seek to become a party to the underlying dispute but only to protect itself from unconstitutional orders.

V. CONSTITUTIONAL VIOLATIONS REQUIRE IMMEDIATE REMEDY

A. First Amendment Church Autonomy Doctrine

The trial court's orders directly violate the ministerial exception and church autonomy doctrine established in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S. 171 (2012). Courts cannot determine church governance questions without impermissible entanglement with religion, regardless of whether they purport to apply "neutral principles."

Under *Pearson v. Church of God*, 325 S.C. 45, courts may only adjudicate disputes that pertain to civil law rights and must avoid resolving issues related to religious doctrine or governance. If the court order in question pertains to ecclesiastical matters, such as church governance or administration, it is unenforceable under the *Pearson* framework.

Both *Knotts* and *Pearson* underscore the constitutional principle of separation of church and state. Civil courts must refrain from interfering in the internal governance of religious organizations, as such interference violates the First Amendment.

The trial court's orders here regulate precisely the type of ecclesiastical matters protected by the First Amendment:

- **Church governance structure** and authority relationships
- **Ministerial selection and removal** processes
- **Church membership** determinations
- **Internal congregational decision-making** procedures
- **Ongoing supervision** of church operations

B. South Carolina Religious Freedom Act

S.C. Code § 1-32-10 et seq. provides heightened protection for religious exercise. The trial court's orders substantially burden the Church's religious autonomy without compelling justification, violating both state and federal constitutional protections.

The "neutral principles of law" approach limits court involvement to civil law disputes and defers to religious judicatories on issues of governance and doctrine. These principles ensure the autonomy of religious organizations and uphold the constitutional separation of church and state.

VI. RESPONDENTS' AUTHORITIES ARE DISTINGUISHABLE

A. McCain and Bowen Do Not Apply to Non-Parties

Respondents' reliance on *McCain v. Brightharp* and *Bowen v. Green* is misplaced. Those cases involved parties who voluntarily submitted to jurisdiction and raised no constitutional

challenges. Here, the Church entity was never served, never appeared, and never consented to jurisdiction.

The "neutral principles" approach confirmed in *McCain* and *Bowen* allows courts to resolve only "civil law disputes" and requires courts to "refrain from deciding issues related to religious doctrine, governance, or administration." Most importantly, these cases do not authorize courts to bind non-parties who were never properly brought before the court.

B. Friends of McLeod Supports the Church's Position

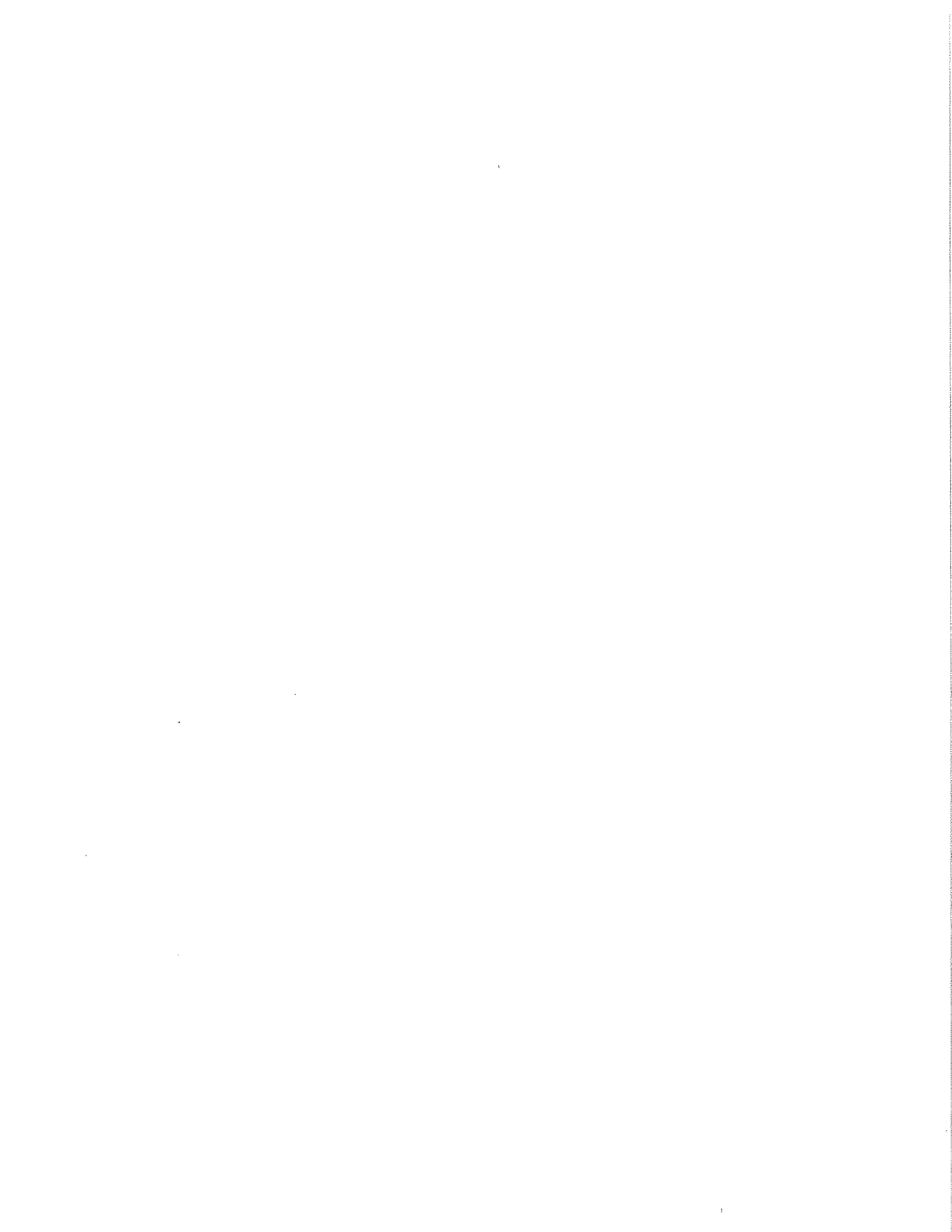
Friends of McLeod, Inc. v. City of Charleston, cited by Respondents, actually supports the Church's position. That case emphasized that appellate courts may only review issues properly before the trial court. Here, the Church entity was never properly before the trial court, making any orders binding it void ab initio. Additionally, Enoree Fork Baptist attempted to have the Court correct its error in a Rule 59 Supplemental Motion which was summarily denied without hearing.

Under South Carolina law, as established in *Knotts v. Williams*, 319 S.C. 473 and *Pearson v. Church of God*, 325 S.C. 45, court orders issued to a church that was not named as a party in litigation are invalid and unenforceable.

VII. RESPONDENTS' MISLEADING STATEMENTS ATTEMPT TO DECEIVE THE COURT

A. Mischaracterization of the Church's Motion

Respondents repeatedly and incorrectly characterize the Church's motion as seeking "intervention" or "joinder," despite the clear language of the motion seeking vacatur of void orders. Specifically, Respondents state:



"This Motion should be denied because... (2) Intervention or Joinder on Appeal is Improper, (3) there is no authority permitting intervention or joinder for the first time on appeal"

This mischaracterization is misleading because the Church explicitly seeks **vacatur of void orders**, not intervention or joinder. The Church's motion clearly states it "seeks vacatur of void orders entered without jurisdiction."

B. False Assertions About Preservation Requirements

Respondents misleadingly assert that jurisdictional objections must be "raised below," stating:

"Appellants never moved to join Enoree Fork Baptist Church as a party under Rule 19, SCRCF, nor did the trial court rule on that question. Because the issue was not raised below, it is not preserved for appellate consideration."

This statement attempts to mislead the Court by applying ordinary preservation rules to constitutional and jurisdictional challenges that can never be waived. **(Exhibits 1 and 2)** disputes this proposition of the Respondents.

C. Misrepresentation of Legal Standards

Respondents falsely or mistakenly claim there is "no jurisdictional void, no constitutional emergency, and no impairment of the church's rights," stating:

"Even under that high federal standard, Appellants' showing here falls far short: there is no jurisdictional void, no constitutional emergency, and no impairment of the church's rights."

This assertion directly contradicts the undisputed facts that the Church entity was never served with process and never appeared, making any orders binding it void ab initio.

D. False Claims and or Mistaken Claims About Constitutional Harm

Respondents misleadingly assert:

"The trial court's order does not prejudice Enoree Fork Baptist Church. The church is not bound in its corporate capacity; rather, the order simply restores the status quo and allows the congregation to act as it sees fit."

This statement attempts to minimize constitutional violations by claiming the Church "is not bound in its corporate capacity" while simultaneously defending orders that purport to control church governance and leadership.

E. Deceptive Characterization of Church Governance Dispute

Respondents attempt to mislead the Court by claiming:

"The entire crux of this case is who has the authority to act on behalf of Enoree Fork Baptist Church. Both Appellants and Respondents contend their faction represents the church." (Emphasis Added).

This characterization deliberately obscures the fundamental issue: that the Church **entity** was never properly brought before the court and cannot be bound by orders entered without jurisdiction. It also supports Enoree Forks position that Judge Fant was in error as well as Respondents who admit that the nine (9) members Respondents sued do not represent Enoree Fork Baptist Church and as such Judge Fant should not have bound a Non-Party, i.e. Enoree Fork Baptist Church in his final orders.

F. Misrepresentation of Constitutional Protections

Respondents falsely minimize constitutional protections by stating:

"This case involves a congregational church with no hierarchy, no property trust, and no doctrinal issue. The trial court's inquiry—whether a valid vote occurred—fits squarely within McCain and Bowen."

This assertion misleadingly suggests that First Amendment protections apply only to hierarchical churches, ignoring well-established precedent that church autonomy protections apply to all religious organizations regardless of their governance structure.

G. False Claims About Lack of Prejudice

Respondents misleadingly claim:

"Adding the church entity now would not serve judicial efficiency... Permitting the church to be added and represented solely by Appellants' counsel would: - create a conflict of interest, - confuse the issues, and - unfairly prejudice Respondents."

This statement attempts to mislead the Court of Appeals by suggesting the Church seeks to be "added" as a party, when the Church explicitly seeks only to challenge void orders through a limited appearance.

VIII. RESPONDENTS' FACTUAL ASSERTIONS ARE INCORRECT

A. No Valid Service or Appearance

Contrary to Respondents' implications, the record demonstrates:

1. No summons or process was ever served on the Church entity
2. The Church entity never made a general appearance
3. No order formally joined the Church as a party
4. The Church's constitutional objections were preserved through post-trial motions

B. Constitutional Harm Is Manifest

The trial court's orders purport to regulate internal church governance, determine church leadership, and control church property—all classic violations of the church autonomy doctrine. The orders specifically:

- Mandate congregational meetings under court supervision
- Prescribe voting procedures for church governance
- Determine church membership eligibility

- Regulate pastoral authority and removal procedures
- Retain ongoing judicial oversight of church operations

IX. JUDICIAL EFFICIENCY AND FAIRNESS SUPPORT THE CHURCH'S MOTION

A. Protecting Constitutional Rights Serves Judicial Efficiency

Allowing void orders to stand would undermine the integrity of the judicial system and invite future constitutional challenges. Addressing these fundamental defects now serves both judicial efficiency and the rule of law.

B. No Prejudice to Respondents

Respondents cannot claim prejudice from the Church's challenge to void orders. They obtained no valid judgment against the Church entity and have no legitimate expectation in maintaining unconstitutional orders.

To reiterate, Under South Carolina law, subject matter jurisdiction is a fundamental requirement that cannot be waived. The South Carolina Supreme Court has consistently held that subject matter jurisdiction may be raised at any time, even for the first time on appeal, and that courts have a duty to address jurisdictional issues sua sponte. For example, in Eaddy v. Eaddy, 283 S.C. 582, the court reaffirmed that lack of subject matter jurisdiction is non-waivable and can be raised at any stage of litigation. Ex parte Cannon, 385 S.C. 643, Lake v. Reeder Constr. Co., 330 S.C. 242.

The courts' continuing obligation to examine their jurisdiction is rooted in the principle that jurisdiction is determined by the constitution and state laws. This obligation ensures that courts do not exceed their authority, particularly in cases involving constitutional violations or non-parties. For instance, constitutional standing requires a concrete injury-in-fact, causation, and redressability, as outlined in Steel Co. v. Citizens for a Better Env't, 523 U.S. 83 for a Better

Environment. Youngblood v. S.C. Dep't of Soc. Servs., 402 S.C. 311, Peter G. Oliver, Sr., Petitioner, v. South Carolina Department of Environmental Control, and Lucent Technologies, Inc., Respondents, 2001 SC ENV LEXIS 120, Docket No. 01-ALJ-07-0398-CC.

Steel Co. further underscores the necessity of addressing jurisdictional issues before proceeding to the merits of a case. This principle aligns with South Carolina jurisprudence, which mandates that courts take notice of jurisdictional defects, regardless of whether the parties raise them. State v. Gentry, 363 S.C. 93, Badeaux v. Davis, 337 S.C. 195.

In cases involving non-parties, the courts' obligation to examine jurisdiction is particularly critical. Subject matter jurisdiction is determined by the constitution and state laws, and courts must ensure that all necessary parties are properly before the court. Failure to do so may result in a lack of jurisdiction, which cannot be remedied by the consent or inaction of the parties. Badeaux v. Davis, 337 S.C. 195, Youngblood v. S.C. Dep't of Soc. Servs., 402 S.C. 311.

X. CONCLUSION

The Court of Appeals must recognize that constitutional rights and fundamental jurisdiction transcend ordinary procedural constraints. When courts exceed their jurisdiction by binding non-parties without due process, the resulting orders are void and subject to challenge at any time.

South Carolina law and federal precedent, including *Steel Co. v. Citizens for a Better Environment*, establish that subject matter jurisdiction and constitutional issues are non-waivable and may be raised at any time. Courts have a continuing obligation to examine their jurisdiction, including in cases involving constitutional violations and non-parties. This principle ensures that courts operate within their constitutional and statutory authority, safeguarding the integrity of the judicial process.

Enoree Fork Baptist Church does not seek intervention and or to consent to jurisdiction. The Respondents had the choice of naming Enoree Fork Baptist Church as a party but respondents did not do so. It would be illogical strategically for Enoree Fork Baptist Church to name itself as a defendant in the action below.

Respondents' attempt to shield constitutionally defective orders behind inapplicable procedural barriers disservices both the rule of law and religious liberty. The Church respectfully requests that this Court:

1. **GRANT** the Church's Motion to Make a Limited Appearance;
2. **REJECT** Respondents' Return in its entirety;
3. **VACATE** all orders purporting to bind the Church as a non-party;
4. **DECLARE** that the trial court lacked jurisdiction over the Church entity; and
5. **AWARD** such other relief as the Court deems just and proper.

Respectfully submitted,

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September 8, 2025
Greenville, South Carolina

EXHIBIT LIST

Exhibit 1: Enoree Fork Baptist Church's Motion for limited appearance (filed August 8, 2025)

Exhibit 2: Referenced in the evidence of preserved objections

Exhibit 3: Judge Fant's Final Order (filed July 31, 2025) - now properly referenced in multiple sections where the order's contents are discussed

Exhibit 4: Judge Fant's Order Denying Rule 59 Relief (August 12, 2025)

Exhibit 5: Writ of Supersedes (filed August 5, 2025)

Exhibit 6: Motion to Stay (filed August 5, 2025)

**EXHIBIT 1 RULE 59 SUPPLEMENTAL MOTION
TO ALTER AND OR AMEND JUDGMENT
ENOREE FORK REQUESTS APPEARANCE FOR
LIMITED PURPOSE TO CHALLENGE
JURISDICTION**

STATE OF SOUTH CAROLINA,
COUNTY OF GREENVILLE

SYLVESTER JACKSON, KAREN
ROBINSON, MICHAEL ROBINSON,
DOROTHY WILLIAMS, JOHN
WOODFOLK, ERNEST "TERRY"
MURRAY,
DONALD COX, TIMOTHY MCBEE,
DERRICK COX, REGINALD JACKSON,
WILLIE FOSTER, CYNTHIA ROBINSON,
ZELMA BROWN, TELEK COBB,
SARAH THOMASON, and THURSHIA
JAMISON-JACKSON,

Plaintiffs,

v.

CHARLES "BENNIE" SMITH, ROBIN
SMITH, LARRY DAWKINS,
MABLE DAWKINS, JIMMY DAVIS,
BRENDA DAVIS,
DOROTHY THOMASON, L.C.
THOMASON, and JAMES SIMS,

Defendants,

AND,

ENOREE FORK BAPTIST CHURCH,
Plaintiff,

V

SYLVESTER JACKSON, STEPPING-
STONES MINISTRIES, INC.,
WILLIAM M. LANDRETH, CORDELL
PORTER, DONALD COX,
CRESCOM BANK/FORMLY GREER
STATE BANK, RODNEY BUTLER, and
ERNEST MURRAY,

Defendants.

) IN THE COURT OF COMMON PLEASIN
) THE COURT OF COMMON PLEAS
) CASE NO.: 2019-CP-23-06363;

)
) CASE NO.: 2019-CP-23-06363
) CIVIL ACTION NO: 2017-CP-23-06127
) (consolidated)

) SUPPLEMENTAL MOTION OF (RULE 59
) SOUTH CAROLINA RULES OF CIVIL
) PROCEDURE

1. TO: The Honorable Judge assigned this matter, and to all counsel of record:
 - a. COMES NOW, Enoree Fork Baptist Church, a religious nonprofit corporation, by and through undersigned counsel, Fletcher N. Smith, Jr. (SC Bar No. 5165), and appears for the limited purpose of contesting this Court's jurisdiction over it and objecting to all orders and proceedings purporting to bind the Church as a corporate entity. This appearance is made pursuant to Rules 12(b)(1) and 12(b)(5) of the South Carolina Rules of Civil Procedure and does not constitute a general appearance or waiver of any constitutional or statutory rights, including those guaranteed by the First and Fourteenth Amendments to the United States Constitution.
2. This Notice and Limited Appearance is entered to:
3. Move to vacate all orders directed at or binding Enoree Fork Baptist Church as a non-party;
4. Seek dismissal of any claims, remedies, or relief asserted against the Church for lack of subject matter jurisdiction and improper service;
5. Assert and preserve the Church's rights to religious autonomy and protection from judicial entanglement in ecclesiastical governance;
6. Request an order clarifying the jurisdictional status of the Church and terminating all purported writs, directions, or receivership over its internal affairs.
7. WHEREFORE, Enoree Fork Baptist Church respectfully requests:
8. That this Honorable Court issue a ruling on the jurisdictional status of the Church as a non-party;
9. That any and all orders directed at the Church be vacated for lack of subject matter jurisdiction and improper service;
10. That all claims purporting to bind the Church be dismissed;
11. That no receiver, restraining order, or other judicial remedies be enforced against

the Church unless and until proper jurisdiction and service are established;

12. That the Court grant such other and further relief as may be just and proper.

Respectfully submitted,

s/ Fletcher N. Smith, Jr.
Fletcher N. Smith, Jr.,
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**EXHIBIT 2 RULE 59 MOTION TO ALTER AND OR
AMEND JUDGMENT**

**FILED AUGUST 5, 2025 WITH COURT OF
COMMON PLEAS**

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

) CASE NO.: 2019CP2306363

)
)
) SYLVESTER JACKSON, KAREN
) ROBINSON, MICHAEL ROBINSON,
) DOROTHY WILLIAMS, JOHN
) WOODFOLK, ERNEST "TERRY"
) MURRAY, DONALD COX, TIMOTHY
) MCBEE, DERRICK COX, REGINALD
) JACKSON, WILLIE FOSTER, CYNTHIA
) ROBINSON, ZELMA BROWN, TELEK
) COBB, SARAH THOMASON, AND
) THURSHIA JAMISON-JACKSON,

) CASE NO.: 2019CP2306363

) Civil Action No.: 2017-CP-23-06127
) (consolidated)

) NOTICE OF MOTION OF HEARING
) AND DEFENDANTS' MOTION TO
) ALTER OR AMEND JUDGMENT, FOR
) REHEARING, OR VACATUR
) (RULE 59, SOUTH CAROLINA RULES OF
) CIVIL PROCEDURE

Plaintiff,

v.

CHARLES "BENNIE" SMITH, ROBIN
SMITH, LARRY DAWKINS, MABLE
DAWKINS, JIMMY DAVIS, BRENDA
DAVIS, DOROTHY THOMASON, L.C.
THOMASON, AND JAMES SIMS,

Defendant.

TO THE HONORABLE COURT:

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the above-entitled Motion will be heard before the Honorable Court at the Greenville County Courthouse, 305 e. North Street, Greenville, South Carolina 29601, on the _____ day of _____, 2025, at _____ o'clock ____m., or as soon thereafter as counsel may be heard.

Defendants Charles "Bennie" Smith, Robin Smith, Larry Dawkins, Mable Dawkins, Jimmy Davis, Brenda Davis, Dorothy Thomason, L.C. Thomason, and James Sims, by and through undersigned counsel, hereby move this Honorable Court pursuant to Rule 59 of the South Carolina Rules of Civil Procedure to alter or amend the judgment, grant a rehearing, or vacate the Order entered on July 31, 2025.

GROUND FOR MOTION

This Motion is made on the following grounds:

1. LACK OF SUBJECT MATTER JURISDICTION

The Court lacks subject matter jurisdiction to enter orders binding Enoree Fork Baptist Church ("EFBC") as an entity when said entity was never named as a party to this action, never served with process, and never appeared before this Court. The individual defendants cannot serve as surrogates for the church entity, and no legal authority exists for binding a non-party religious organization through individual members.

2. FAILURE TO JOIN INDISPENSABLE PARTY

EFBC is an indispensable party under Rule 19, SCRCF, whose absence prevents the Court from granting complete relief and creates the risk of inconsistent obligations. The church entity cannot now be joined due to the expiration of applicable statutes of limitation, requiring dismissal of the action under Rule 19(b), SCRCF.

3. CONSTITUTIONAL VIOLATIONS

The Order violates the First Amendment to the United States Constitution and Article I, Section 2 of the South Carolina Constitution by impermissibly entangling the Court in ecclesiastical matters, directing internal church governance, and mandating specific religious procedures without constitutional authority.

4. ERRORS OF LAW

The Court committed reversible errors of law by:

- a. Relying on Judge Gravely's interlocutory denial of summary judgment as a final adjudication on party joinder issues;
- b. Purporting to restore church membership and leadership without ecclesiastical authority;
- c. Mandating ongoing judicial supervision of religious affairs;
- d. Exceeding the scope of relief available in a declaratory judgment action.

5. ERRORS OF FACT

The Court's factual findings regarding church membership, leadership authority, and the alleged "status quo" are clearly erroneous and not supported by competent evidence in the record.

6. MANIFEST INJUSTICE

The Order creates manifest injustice by binding a non-party entity to judicial determinations made without due process, proper notice, or constitutional authority.

RELIEF REQUESTED

WHEREFORE, Defendants respectfully request that this Honorable Court:

1. **VACATE** the Order entered July 31, 2025, in its entirety;
2. **DISMISS** this action for failure to join an indispensable party that cannot be joined due to statute of limitations;
3. In the alternative, **ALTER or AMEND** the Order to:
 - o a. Strike all provisions purporting to bind EFBC as an entity;

- o b. Strike all provisions requiring church-wide meetings or governance actions;
 - o c. Strike all provisions mandating ongoing judicial supervision;
 - o d. Limit relief to declarations regarding the individual parties only;
4. **GRANT A REHEARING** on the issues of subject matter jurisdiction, necessary party joinder, and constitutional limitations on judicial authority over religious organizations;
5. **AWARD** Defendants their costs and attorney's fees incurred in bringing this Motion;
6. **GRANT** such other and further relief as this Court deems just and proper.

SUPPORTING MEMORANDUM

This Motion is supported by Defendants' contemporaneously filed Memorandum in Support, which is incorporated herein by reference.

TIME FOR FILING

This Motion is timely filed within thirty (30) days of the entry of the July 31, 2025 Order, in accordance with Rule 59(b), SCRPC.

Respectfully submitted,
s/Fletcher N. Smith, Jr.
FLETCHER N. SMITH, JR., ESQ.
Attorney at Law
P.O. Box 10496, F.S.
112 WAKEFIELD STREET
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GREENVILLE, South Carolina
Dated: August 2, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been served upon all parties or their counsel of record by the method indicated below:

- Hand delivery
- U.S. Mail, postage prepaid
- Electronic filing and service via South Carolina Electronic Filing System
- Facsimile transmission
- Email

Counsel for Plaintiffs:
Rusty Duncan, Esquire

This _____ day of August, 2025.

Respectfully submitted,
s/ Fletcher N. Smith, Jr.
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EXHIBIT 3
JUDGE FANTS DECLARATORY JUDGMENT
ORDER

Robinson, Zelma Brown, Telek Cobb, Sarah Thomason, and Thurisha Jamison-Jackson's Declaratory Judgment claims on June 20, 2025. The Court finds that the congregation of Enoree Fork Baptist Church ("EFBC") never officially met pursuant to EFBC's 1996 Constitution and Bylaws for the purpose of disposing of Plaintiff Sylvester Jackson ("Pastor Jackson") or any of the other Plaintiffs. Additionally, it was not established by a preponderance of the evidence that the 2016 Constitution and Bylaws was adopted by the Congregation of EFBC and controlled Pastor Jackson's termination. Since the congregation never met, the Court has jurisdiction over this matter to restore the status quo of EFBC back to April 3, 2017. By restoring the status quo of the Church, the congregation of EFBC is enabled to act in its duly constituted manner in whatever way it deems appropriate regarding Pastor Jackson's pastoral status or any other EFBC member's membership status. The Court retains jurisdiction over this case to ensure both factions of EFBC comply with its Order for the congregation to meet and vote on whether EFBC will terminate Pastor Jackson or expel any of the other Plaintiffs pursuant to EFBC's 1996 Constitution and Bylaws.

II. PROCEDURAL HISTORY

This case concerns a church dispute between two factions of the EFBC Congregation. In August 2015, Sylvester Jackson was elected as the Pastor of EFBC pursuant to EFBC's 1996 Constitution and Bylaws. On November 30, 2016, Charles "Bennie" Smith filed a civil action against Sylvester Jackson, Ernest Murray, Rodney Duck, Karen Robinson, and Cynthia Robinson in Civil Action Number 2016-CP-23-06929 alleging the parties misappropriated church funds without authorization and the parties did not legitimately vote on or institute the 2016 Constitution and Bylaws.

On March 23, 2017, the Honorable Perry H. Gravely Ordered the parties to hold a church meeting on April 15, 2017 ("Church Meeting") at the Enoree River Association located at 421

Dallas Road, Greenville, South Carolina and conduct such business as allowed by the existing church Constitution and Bylaws, among other orders. On April 11, 2017, the Honorable Letitia H. Verdin amended Judge Gravely's Order to include that at the Church Meeting the parties were to decide whether a receiver would be necessary for the case and that if no decision was reached then the Court would determine if a receiver was necessary, among other amendments.

According to the parties, the Church Meeting occurred; however, the Parties were unable to agree on whether a receiver was necessary and, despite Judge Verdin's Order, the Court never decided on the necessity of a receiver after the Church Meeting. On March 15, 2018, at the request of the Plaintiff, Judge Gravely dismissed Civil Action Number 2016-CP-23-06929 without prejudice and *voided* all prior Orders issued before that date.

On September 11, 2017, over seven (7) years ago, Pastor Jackson, and his supporting faction of the EFBC Congregation, instituted this Declaratory Judgment action (Civil Action Number 2017-CP-23-05851) against Defendant Charles "Bennie" Smith and a faction of the EFBC congregation that opposed Pastor Jackson. On September 26, 2017, Plaintiff Charles "Bennie" Smith, and the faction of the EFBC Congregation opposed to Sylvester Jackson, instituted Civil Action Number 2017-CP-23-06127 on behalf of "Enoree Fork Baptist Church." This action was against Pastor Jackson, Stepping Stones Ministries, Inc., and Pastor Jackson's supporting faction of the EFBC Congregation. On March 20, 2019, Judge Stilwell granted a consent dismissal of Civil Action Number 2017-CP-23-05851 with leave to restore pursuant to Rule 40(J) of South Carolina Rules of Civil Procedures. On October 30, 2019, Judge Stilwell ordered Civil Action Number 2017-CP-23-05851 be restored and the case was subsequently reassigned as Civil Action Number 2021-CP-23-06230. Civil Action Number 2021-CP-23-06230 has no filings.

The allegations in Civil Action Number 2017-CP-23-05851 and Civil Action Number 2017-CP-23-06127 arise from the same set of facts. On February 3, 2020, Judge Gravely consolidated Civil Action Number 2017-CP-23-05851 and 2017-CP-23-06127 into 2019-CP-23-06363. Judge Gravely also referred 2019-CP-23-06363 to Greenville County's Master-in-Equity, Honorable Charles B. Simmons, Jr.. On March 3, 2021, Judge Simmons ordered, based on the consent of the parties, that Civil Action No. 2019-CP-23-06363 be stricken from the civil trial docket pursuant to Rule 40(j), SCRPC.

On December 16, 2021, Judge Verdin restored Civil Action No. 2019-CP-23-06363 to the civil trial docket. On May 4, 2023, the Honorable G.D. Morgan Jr. held that Plaintiff Enoree Fork Baptist Church could not ask the Court to reconsider Judge Gravely's February 3, 2020 Order pursuant to Rule 59(e), SCRPC. Judge Morgan also ruled that the Plaintiff Enoree Fork Baptist Church waived its request for a jury trial. On May 8, 2023, Judge Morgan reconsidered his previous ruling and held that the Plaintiff Enoree Fork Baptist Church requested a jury trial in its Amended Complaint filed on October 4, 2017. Judge Morgan amended his prior Order to reflect that EFBC had not waived its right to a jury trial. However, Judge Morgan stated that any rulings regarding whether jury issues existed would be determined by Judge Simmons at trial.

On May 10, 2023, Judge Simmons referred the case back to the Circuit Court for a jury trial on a finding that the legal issues were "so intertwined with equitable issues that a trial on the equitable issues alone would be impossible." On March 10, 2025, this case was scheduled to come before the Court for a jury trial in the Circuit Court. Prior to trial commencing, the Plaintiffs moved for the appointment of a receiver, and after hearing arguments from both sides, the Court issued an oral ruling and a corresponding Form 4 Order on March 11, 2025, finding that a pre-judgment

receivership was appropriate. Subsequently, EFBC filed two memoranda on March 12, 2025, followed by two amended memoranda on March 17, 2025:

1. Amended Memorandum in Support of Rule 59 Motion to Alter and Amend Order Dated March 11, 2025, and Memorandum in Support of Rule 59 Motion
2. Amended Motion to Stay Pursuant to Rules 52 and 59 of the South Carolina Rules of Civil Procedure for Expedited Appeal and Rule 241, SCACR, and Rules 59(E) and 60, SCRCP

On April 23, 2025, the Court granted the Motion to Alter and Amend the Court's March 11, 2025 Order deciding it would not appoint a receiver and disposed of the Court's prior decision to stay the matter. The Court scheduled Plaintiff Sylvester Jackson's Declaratory Judgment Causes of Action for a non-jury trial on June 20, 2025, and stated it would schedule EFBC's claims for a jury trial after it decided the declaratory judgment issues.

III. FACTS

The Plaintiffs' first witness was Pastor Jackson. Pastor Jackson testified he was first hired by EFBC to be its pastor in August of 2015. During this time, Pastor Jackson stated that EFBC was governed by EFBC's 1996 Constitution and Bylaws. However, Pastor Jackson testified that after he was hired he reviewed EFBC's 1996 Constitution and Bylaws when the Church was in the process of securing its 501(c)(3) status. He noted several items in the 1996 Constitution and Bylaws that were outdated and out of compliance with Internal Revenue Service's guidelines. Pastor Jackson testified that the Church decided to amend the 1996 Constitution and Bylaws to bring EFBC in compliance with the IRS guidelines, as well as to update EFBC's Constitution and Bylaws.

Pastor Jackson testified that in order to amend EFBC's Constitution and Bylaws the 1996 Constitution and Bylaws provides that it must be announced at two consecutive Church meetings that a meeting will be held to amend the Constitution and Bylaws. Pastor Jackson testified that the

Church followed the procedure set out in EFBC's 1996 Constitution and Bylaws and, in fact, went beyond the procedures required to amend EFBC's Constitution and Bylaws. Pastor Jackson testified that it was announced there would be an amendment to EFBC's 1996 Constitution and Bylaws and that three separate readings for the new amended revised Constitution were held by the Church. He stated that the members of EFBC were given the revised Constitution and Bylaws and that the Church had a final reading at an annual Church meeting where EFBC adopted the 2016 Constitution and Bylaws on January 23, 2016. Pastor Jackson also testified that page 22 of EFBC's 2016 Constitution and Bylaws shows that it was received, approved, and adopted on January 23, 2016. (*See* Plaintiffs' Ex. 2). Pastor Jackson further testified that the meeting minutes from the January 29, 2016 church meeting speak to the 2016 Constitution and Bylaws being approved by 43 members of the Church. (*See* Plaintiffs' Ex. 3).

The 1996 EFBC Constitution and Bylaws Article VII, Sub-article I. provides:

A Pastor's term of office may be ended upon thirty (30) days of notification on the part of the Pastor or of the Church by mutual consent. Termination of office shall be voted on at a regularly called business meeting; notice of such meeting and its purpose having been read on two (2) successive Sundays. A vote of a majority of the members present shall make a valid termination of said office.

(Plaintiffs' Ex. 1).

In contrast, the Amended 2016 EFBC Constitution and Bylaws Article VII, Sub-Article 4. provides:

The engagement of a Pastor may be terminated by a two-thirds vote of the active members present at a church family conference called for that purpose by the Joint Board. A quorum of not less than thirty (30) percent of the Active members of this Church shall be required for such conference.

(Plaintiffs' Ex. 2).

Pastor Jackson testified that in December 2016, a woman hand delivered him a letter before church service. The December 8, 2016 letter was signed by Fletcher Smith, counsel for the

Defendants, Charles Bennie Smith, and Rodney Duck. (Plaintiffs' Ex. 4). The letter informed Pastor Jackson that he was immediately suspended as Pastor of EFBC, with pay, due to a pending lawsuit filed against him—Civil Action No.2016-CP-23-06929. (Plaintiffs' Ex. 4). Pastor Jackson also received two petitions allegedly signed by members of the EFBC Congregation. One of the petitions suspended him as pastor of EFBC without pay until Civil Action No. 2016-CP-23-06929 was resolved. (*See* Plaintiffs' Ex. 5). The other petition purportedly authorized the treasurer of EFBC to institute a lawsuit and gather financial records of EFBC and also hired Fletcher Smith to represent EFBC in the lawsuit. (Plaintiffs' Ex. 6).

Pastor Jackson testified that Rodney Duck, Chairman of Deacon Ministry, did not have the authority to suspend him as Pastor because neither the 1996 or 2016 EFBC Constitution and Bylaws allows the Deacons to suspend the pastor. Rather, he argued that the Constitution and Bylaws both require that the termination of the pastor is to be handled by the congregation of the Church. Pastor Jackson also testified that there is not a provision in either the 1996 or 2016 EFBC Constitution and Bylaws that allows members of the church to act against the Pastor through petition. Moreover, Pastor Jackson testified that the petitions appeared to be signed by the same person in some instances, and were also signed by minor children under the age of ten (10) years old. Pastor Jackson stated that it looked as if about a third of the signatures on both petitions were not active members of EFBC. Pastor Jackson testified that he did not stop serving as pastor after he received the letter and the petitions and continues to serve as the Pastor of EFBC to this date.

Pastor Jackson testified that on April 3, 2017, he received a letter from Defendants Rodney Duck, James Sims, Charles Smith, L.C. Thomason, and Larry Dawkins informing him that his tenure as Pastor of EFBC had been terminated and it was effective immediately. (Plaintiffs' Ex. 9). The letter provides that the chairpersons of the Board of Deacons made the decision to terminate

Pastor Jackson with the full support of the leaders of the Church who also signed the letter, (Plaintiffs' Ex. 9). The letter also states that "[t]he church has not had an official meeting to remove any church leader from their post" since Pastor Jackson was hired as Pastor. (Plaintiffs' Ex. 9).

The letter goes on to state that:

The Honorable Perry H. Gravely issued a Court Order on March 23, 2017 during the Injunction hearing that was held on March 21, 2017. The Court Ordered an Annual meeting for the Enoree Fork Baptist Church to take place at 421 Dallas Rd., Greenville, SC; said meeting to be held at 2:00PM on Saturday, April 15, 2017. At this meeting we will inform the entire church family of our decision to terminate you as Pastor and make the membership aware of the church financial transactions set forth in the pending lawsuit. Please note that you are restricted from the premises of the Enorre Fork Baptist Church.

(Plaintiffs' Ex. 9).

Pastor Jackson testified that none of the people that signed the letter had the authority to terminate him and that a proper vote by the Church on the issue of termination never occurred.

Pastor Jackson testified on April 3, 2017, he received a no trespass notice banning him from EFBC, which was signed by the same individuals that sent him the letter of termination. Pastor Jackson testified that none of the individuals that signed the no trespass notice had the authority to restrict someone from the church. Pastor Jackson also testified that he did not comply with the notice. After receiving the trespass notice from the faction opposed to him, Pastor Jackson testified that he and some of EFBC's officers went to the church to change the locks because members of the opposing faction locked them out of the church. However, Pastor Jackson testified that this resulted in the police being called because one of the opposing EFBC members claimed that one of Pastor Jackson's supporting church officers pulled a gun on her.

Pastor Jackson testified that on April 10, 2017, he received a letter signed by the same individuals that signed Plaintiffs' Exhibit 9 and Exhibit 10 notifying him that the Chairpersons of the EFBC Deacon Board held a special meeting on Sunday, April,9, 2017, to inform the church

body of their decision to terminate him as Pastor on April 3, 2017, (Plaintiffs' Ex. 11). The letter states, "[p]lease note that in this Special Meeting of the Church Body, the Enoree Fork Baptist Church family unanimously voted to approve and confirm the Deacon Board Chairpersons decision to terminate you as Pastor of Enoree Fork Baptist Church." (Plaintiffs' Ex. 11). The letter also requested that Pastor Jackson immediately cease and desist representing himself as Pastor of EFBC after April 10, 2017. (Plaintiffs' Ex. 11). Pastor Jackson testified that both the 1996 or 2016 EFBC Constitution and Bylaws require two weeks' notice be given to the Church when calling a meeting to vote on the Pastors termination. Pastor Jackson testified that no notice was given to the Church that such a meeting would be called and that he was not aware of whether any such meeting actually occurred on April 9, 2017.

Pastor Jackson testified that after the events with the police, he did not go back to the physical EFBC location at 100 Enoree Road, Greer, South Carolina ("Enoree Road Location"). He testified that the majority of officers and members of EFBC, including himself, began holding service at Enoree River Baptist Complex Building on Mauldin Road for a couple of years then, after COVID-19 hit, he started having church service via telecommunication. Pastor Jackson testified that the other faction stayed in the EFBC church building at the 100 Enoree Road, Greer, South Carolina, location. Pastor Jackson testified that he believed the 2016 Constitution and Bylaws governed EFBC at the time he was terminated as Pastor of EFBC and that he continues to operate under the 2016 Constitution and Bylaws.

On cross examination, Pastor Jackson testified that Judge Gravely ordered a meeting to occur on April 15, 2017, so that both factions of EFBC could vote on whether to appoint a receiver for the Church. The Court took Judicial Notice of Judge Gravely's March 23, 2017 Order requiring both factions to meet on April 15, 2017. Pastor Jackson testified that on April 17, 2017 a decision

was reached by the Church to appoint a receiver and that he, the church secretary, and moderators signed a letter to be given to Judge Gravely that a receiver would be appointed for the Church. Pastor Jackson denied that he could have motioned to call a vote regarding his termination at the April 15, 2017 meeting because orders were given to the state convention officer and the local convention moderator that only the issue of whether a receiver would be appointed would be addressed at the meeting. Pastor Jackson denied ever disassociating himself from EFBC. Pastor Jackson also denied ever reincorporating a new church and testified that he believes he is still the Pastor of EFBC.

Cynthia Robinson, EFBC's Clerk, and Zelma Brown, EFBC's Secretary, were the only other witnesses that testified on behalf of the Plaintiffs. Ms. Robinson testified she believed the 2016 Constitution and Bylaws were properly adopted by the Church. Ms. Robinson testified that EFBC's members received copies of the 2016 Constitution and Bylaws in advance and that a vote was held in January 2016 at an annual church conference. However, Ms. Robinson also admitted that there was no record of the 2016 Constitution and Bylaws being distributed to EFBC's members before it was voted on and that she did not have with her in court the meeting minutes from the church meeting where EFBC's congregation allegedly voted to adopt the 2016 Constitution and Bylaws. Ms. Robinson also testified that pursuant to EFBC's Constitution and Bylaws the Church body has to terminate a pastor and that there is a procedure for calling a church family conference. Ms. Robinson testified she did not recall if the EFBC Congregation ever voted to terminate Pastor Jackson and that she believed Pastor Jackson was still EFBC's Pastor. Ms. Robinson testified that she started keeping membership records for EFBC in 2015 and confirmed that the contents of Plaintiffs' Exhibits 3 (Minutes of Church Business Meeting from January 29,

2016); Plaintiffs' Exhibit 7 (2015 Membership list); and Plaintiffs' Exhibit 8 (2016/2017 Membership Lists), were accurate and that she signed off on them.

Zelma Brown, EFBC's Secretary, testified that EFBC had three meetings regarding the 2016 Constitution and Bylaws. Ms. Brown testified that the meetings were called so that the 2016 Constitution and Bylaws could be read to the Church; however, the meetings were not called during regular church meetings. Ms. Brown testified that the appropriate Bylaws were followed by the Church to adopt the 2016 Constitution and Bylaws and that the Church adopted the amended 2016 Constitution and Bylaws on January 23, 2016. Ms. Brown believed there is no reason to doubt members of EFBC's congregation were given a fair opportunity to vote on the adoption of the 2016 Constitution and Bylaws; however, she did not remember the dates when the first two meetings regarding the adoption of the 2016 Constitution and Bylaws actually occurred. The Plaintiffs rested after Zelma Brown's testimony.

Defendants first called lifelong member of EFBC and current temporary Pastor of EFBC Larry Dawkins. Pastor Dawkins testified that he voted to terminate Pastor Jackson on at least one occasion and that the Church operated under the 1996 Constitution and Bylaws at the time he voted to terminate Pastor Jackson. Pastor Dawkins also testified that Judge Gravely ordered EFBC to meet and that the meeting was held at the Enoree Association Center. Pastor Dawkins also testified that he signed Plaintiff's Exhibit 9 and that the Church never actually had a meeting to terminate any church leader since the Church hired Pastor Jackson, as referenced in Exhibit 9, because Pastor Jackson would not let them have a meeting. On cross-examination, Pastor Dawkins testified that he did not know if Pastor Jackson, Zelma Brown, or Cynthia Robinson were given notice of the meeting referenced in the April 10, 2017 letter to Pastor Jackson (Plaintiff's Ex. 11). Pastor

Dawkins also testified he did not remember how many EFBC members attended the meeting that day or whether the 1996 or 2016 Constitution and Bylaws were followed to conduct the meeting.

The Plaintiff also called Jimmy Davis, a EFBC member since 2009. Jimmy Davis testified that he believed Pastor Jackson had been terminated in 2016 and that the Church had several votes over the years to reaffirm his termination. However, Mr. Davis also testified that neither Pastor Jackson nor any of his supporting faction were present at any of these meetings. Mr. Davis testified the process for holding a meeting to terminate a Pastor in a Baptist Church is to announce from the pulpit two successive weeks in advance that a meeting will be held to vote on whether the church will terminate its pastor. If members do not attend church then they do not receive notice. Mr. Davis further testified that Pastor Jackson would not have received notice after the trespass notice against Pastor Jackson (Plaintiffs' Ex. 10) was issued, but Pastor Jackson did receive notice from Judge Gravely of the April 15, 2017 Court Ordered Meeting. Mr. Davis testified that Pastor Jackson and the EFBC members were present at Judge Gravely's Court Ordered April 15, 2017 Meeting, but there was no motion to reinstate Pastor Jackson as EFBC's Pastor during that meeting. On cross-examination, Mr. Davis testified that the meeting referenced in the April 10, 2017 letter to Pastor Jackson (Plaintiff's Ex. 11) did occur and about 25 to 30 active members attended the meeting.

The Plaintiff then called longtime EFBC member and trustee of EFBC, L.C. Thomason, who testified that he remembered Pastor Jackson proposing the 2016 Constitution and Bylaws to the Church and receiving a copy of it; however, Mr. Thomason testified that it was never adopted by the Church. Mr. Thomason further testified that Church never rescinded the 1996 Constitution and Bylaws and that there is nothing in the Church meeting minutes that shows the Church rescinded it. Mr. Thomason also testified he did not ask Pastor Jackson to call a meeting to discuss

his termination, but that he had discussions with other EFBC members about terminating Pastor Jackson.

After L.C. Thomason's testimony the Defendants called Robin Smith, Charles Bennie Smith's wife and longtime EFBC member. Ms. Smith testified that Pastor Jackson passed out copies of the 2016 Constitution and Bylaws, however, she travels a lot so she did not vote on it. Ms. Robinson also testified she participated in meetings to suspend Pastor Jackson. Ms. Smith further testified that the Church could not have a meeting because Pastor Jackson did not allow them to have a meeting. Ms. Smith testified that they had to reach out to moderator Bradley to ask if they could have a meeting at the Enoree Association Center. Ms. Smith testified that they eventually had a meeting at the Enoree Association Center and the Church voted that Pastor Jackson would no longer be EFBC's Pastor. On cross-examination, Ms. Smith testified that they contacted the main office in Columbia, the moderator for the Enoree Association, and Reverend Simmons, but that no action was taken by any of these Boards to terminate Pastor Jackson. Ms. Smith also testified that moderator Brantley sent her a letter after the meeting stating that she would no longer be Missionary President because Pastor Jackson had kicked her out of the Church.

Next, the Defendants called Brenda Davis, another longtime EFBC member. Ms. Davis testified that there were no meetings about amending the Constitution between the time Pastor Jackson was hired in August of 2015 and January 23, 2015. Ms. Davis also testified that she did not remember receiving the proposed 2016 Constitution and Bylaws from Pastor Jackson. Ms. Davis further testified that she attended Judge Gravely's ordered meeting on April 15, 2017. Ms. Davis testified that there was a moderator and the active and inactive EFBC members were present. Ms. Davis also testified that no one moved to rehire Pastor Jackson at the April 15, 2017 meeting. Ms. Davis further testified that she signed two Petitions (*See* Plaintiffs' Ex. 5 and Plaintiffs' Ex.

6) and that she remembered the congregation meeting as a church body to terminate Pastor Jackson. On cross examination, Ms. Davis testified that she remembered Pastor Jackson asking them at a Church meeting to adopt the 2016 Constitution and Bylaws, but that they refused because they did not know what was in it.

Next Defendants called Lorisa Robinson, a lifelong EFBC member, and she testified that she attended the meeting to terminate Pastor Jackson at the Enoree Association Center and that she signed the petition to terminate Pastor Jackson. Ms. Robinson also testified that Pastor Jackson refused to let them have a meeting at the Church. Ms. Robinson further testified that prior to the Court Ordered April 15, 2017 meeting, the Church had several association meetings to terminate Pastor Jackson, pursuant to the 1996 Constitution and Bylaws. Ms. Robinson testified that no one was ever given the 2016 Constitution and Bylaws that Pastor Jackson prepared. On cross-examination, Ms. Robinson testified that she was not aware if there was a committee created by the Church to prepare the 2016 Constitution and Bylaws.

Next, the Defendants called Dorothy Thomason, longtime EFBC member, who testified that the Church had several meetings to terminate Pastor Jackson including a meeting at the Enoree River Association.

Finally, Defendants called Mable Dawkins, longtime EFBC member, who testified that there came a time when the Church wanted to part ways with Pastor Jackson and that they had a meeting at the Enoree Association Center because Pastor Jackson would not let them have a meeting. Ms. Dawkins also testified that when the Defendants' faction tried to go to the church to hand out the Court Order to provide notice to the congregation of the April 15, 2017 Court Ordered meeting, Pastor Jackson blocked them from doing so. Ms. Dawkins also testified that at the April 15, 2017 Court Ordered meeting no one tried to reinstate Pastor Jackson as EFBC's Pastor. Ms.

Dawkins testified that at the time the Church was operating under the 1996 Constitution and Bylaws. On cross-examination, Ms. Dawkins testified that she did not remember a committee being formed to draft the amended 2016 Constitution and Bylaws.

IV. LAW

The Plaintiffs, Pastor Jackson and his supporting EFBC faction, brought this action for declaratory relief. “Whether an action for declaratory relief is legal or equitable in nature depends on the Plaintiff’s main purpose in bringing the action.” *Williams v. Wilson*, 349 S.C. 336, 340, 563 S.E.2d 320, 322 (2002). The Plaintiffs’ main purpose in bringing this action is for the Court to determine whether Pastor Sylvester Jackson and members of his supporting faction were properly terminated by the EFBC’s Congregation, as well as to enjoin the Defendants from prohibiting the Plaintiffs from accessing the EFBC building and performing their respective roles for the church. Therefore, this is an action in equity.

Courts have limited review of church matters, and “[c]hurch disputes may be resolved by the courts only if resolution can be made without extensive inquiry into religious law,” *Id.* “It is not the function of the courts to dictate procedures for a church to follow.” *Id.* “Generally, a civil court has no authority to intervene in cases involving expulsion from church membership where there is no question of an invasion of a civil, property or contract right.” *Bowen v. Green*, 275 S.C. 431, 434, 272 S.E.2d 433, 434 (1980). “South Carolina case law is in accord with the view that no review of the ecclesiastical decision follows absent the infringement of those rights but South Carolina authorities do not treat the specific issue of membership expulsion.” *Id.* at 434, 272 S.E.2d at 434–35.

It is uncontested EFBC is a congregational church. “A congregational church is an independent organization, governed solely within itself, either by a majority of its members or by

such other local organism as it may have instituted for the purpose of ecclesiastical government ...” *Seldon v. Singletary*, 284 S.C. 148, 149, 326 S.E.2d 147, 148 (1985). Baptist churches are independent congregational churches governed by their own congregations. The congregation selects the church's trustees and the trustees are always members of that church. In a congregational church, the congregation is the highest authority. *Williams*, 349 S.C. at 151, 326 S.E.2d at 149. “The law is clear that the majority controls the decisions of a congregational church.” *Seldon*, 284 S.C. at 151, 326 S.E.2d at 149.

In cases involving the dismissal of a pastor, the Court only has the power to consider two questions: (1) whether the congregation met; and, (2) whether the congregation disposed of the Pastor. *Morris Street Baptist Church v. Dart*, 67 S.C. 338, 343, 45 S.E.2d 753, 754 (1903). In the process of answering the two questions, the Court will not determine who shall or shall not be members of a church or dictate procedure for a church to follow. *Bowen*, 275 S.C. at 435, 272 S.E.2d at 435. It is also not proper for this Court to “determine whether the Church acted consistently with its religious laws and doctrines, its system of discipline and administration in revoking [the minister’s] ministry. . . [because that] would be a quintessentially ecclesiastical matter over which a court could not exercise jurisdiction.” *Pearson v. Church of God*, 325 S.C. 45, 53, 478 S.E.2d 849, 853 (1996).

“Whenever the Congregation meets as a church, it may [act]. . . in any way that it sees fit; and, when a congregation has acted, the civil courts will not inquire whether in doing so it violated any of its own rules.” *Morris St. Baptist Church v. Dart*, 67 S.C. 338, 45 S.E. 753, 754 (1903). “[T]he function of this Court...[is] to assure that the Church itself has spoken. If it has, this Court inquires no further. If it has not, this Court may restore the status quo to enable the church to act.” *Bowen*, 275 S.C. at 435, 272 S.E.2d at 435. If the two questions referenced above are answered in

the affirmative, then the Court has no jurisdiction to hear the case. *Id.* If the Court finds that no action has been taken by the congregation in regard to the litigation, then the appropriate action is to dismiss the case for lack of subject matter jurisdiction. *Knotts v. Williams*, 319 S.C. 473, 479, 462 S.E.2d 288, 291 (1995).

V. ANALYSIS

a. PRELIMINARY ISSUES

During preliminary arguments, the Defendants, the faction opposed to Pastor Jackson, moved to dismiss the case on grounds that the Plaintiffs, the faction that supports Pastor Jackson, had disassociated themselves from the Church on their own accord and therefore, no longer had standing to bring the declaratory judgment action against the Defendants pursuant to *Bramlett v. Young*, 229 S.C. 519, 93 S.E.2d 873 (1956). However, the Plaintiffs argued that Pastor Jackson and his supporters never disassociated from EFBC and continued to act as EFBC, despite his physical separation from the Church. Thus, Defendants' Motion was denied because Pastor Jackson claimed to have never disassociated from EFBC. This same issue was raised at the end of the trial, however, based on the evidence presented, the Court finds Pastor Jackson and his supporters never disassociated from EFBC.

The Defendants also argued that pursuant to *Knotts v. Williams*, 319 S.C. 473, 462 S.E.2d 288 (1995), the Plaintiffs' case should be dismissed because this Court cannot tell EFBC how it should vote to remove its members or dictate a procedure for the Church to follow. The Court denied the Motion to allow the Parties to develop the issue during the trial. After hearing the evidence presented, the Court finds that it has jurisdiction to restore the status quo of EFBC back to April 3, 2017, thus the Court hereby denies Defendants' Motion.

Defendants further argued that since EFBC is an Eleemosynary Corporation, EFBC Members cannot hold EFBC accountable for anything EFBC did to its members in this case. However, the Defendants also admitted that the grounds for dismissal had been denied in a prior Motion to Dismiss and Motion for Summary Judgment filed by the Defendants. Since this Court cannot overturn the decision of another Circuit Court Judge, the Court Denied the Motion. Finally, Defendants claim the Plaintiffs failed to name Enoree Fork Baptist Church as a necessary party. The Court hereby denies Defendants' motion and finds that this issue has been raised in a prior Summary Judgment memorandum (January 14, 2020), and denied by Judge Gravely on February 3, 2020.

b. DECLARATORY JUDGMENT ANALYSIS

1. Plaintiffs' First Cause of Action

Plaintiffs' first declaratory judgment cause of action requests for this Court to declare the Constitution and Bylaws allegedly adopted by EFBC on January 23, 2016, according to the Plaintiffs, are appropriate to govern the function and operation of the church. "It is not the function of the courts to dictate procedures for a church to follow." *Williams*, 349 S.C. at 340, 563 S.E.2d at 322. Given the relevant law, the Court does not believe it is appropriate for this Court to determine which constitution and bylaws are appropriate to govern the function and operation of EFBC, as a whole, or dictate what procedures EFBC should follow *in toto*. Therefore, the Court refuses to consider or provide any relief in regard to Plaintiffs' First Cause of Action and hereby denies the Cause of Action for lack of subject matter jurisdiction. However, the Court does find, in accordance with South Carolina law, that EFBC's 1996 Constitution and Bylaws controlled the procedure for expelling EFBC's members and Pastors, as discussed below.

2. Plaintiffs' Second Cause of Action

Regarding Plaintiffs' Second Cause of Action for Declaratory Relief, the Plaintiffs request for this Court to declare that Pastor Jackson is the lawful Pastor of EFBC. In cases involving the dismissal of a pastor, the Court only has the power to consider two questions: (1) whether the congregation met; and, (2) whether the congregation disposed of the Pastor. *Morris Street Baptist Church v. Dart*, 67 S.C. 338, 343, 45 S.E.2d 753, 754 (1903). In the process of answering both questions, the Court will not determine who shall or shall not be members of a church or dictate procedure for a church to follow. *Bowen*, 275 S.C. at 435, 272 S.E.2d at 435. It is also not proper for this Court to "determine whether the Church acted consistently with its religious laws and doctrines, its system of discipline and administration in revoking [the minister's] ministry. . . . [because that] would be a quintessentially ecclesiastical matter over which a court could not exercise jurisdiction." *Pearson*, 325 S.C. at 53, 478 S.E.2d at 853. Church disputes may be resolved by the courts only if resolution can be made without extensive inquiry into religious law. *Williams*, 349 S.C. at 340, 563 S.E.2d at 322. The function of the Court is to assure that the congregation has spoken: if it has, this Court will inquire no further, but if it has not, this Court may restore the status quo to enable the church to act. *Bowen*, 275 S.C. at 435, 272 S.E.2d at 435.

Given the relevant law, the only issue the Court is concerned with regarding Plaintiffs' Second Cause of Action for Declaratory Relief is whether the congregation of EFBC met to terminate Pastor Jackson. The Court reaches its decision by following the precedent set in *McCain v. Brightharp*, 399 S.C. 240, 730 S.E.2d 916 (Ct. App. 2012), and *Bowen v. Green*, 275 S.C. 431, 272 S.E.2d 433 (1980). In *McCain*, the South Carolina Court of Appeals looked to Mount Canaan Baptist Church's Bylaws and the testimony developed at trial to answer the question of whether the congregation of Mount Canaan Baptist Church met to terminate its Pastor. *McCain*, 399 S.C. at 250, 730 S.E.2d. at 921. Therefore, this Court looks to the Constitution and Bylaws adopted by

EFBC, and the testimony developed at trial by the parties, to determine whether EFBC's congregation met to terminate Pastor Jackson.

In this case, there are two competing sets of Constitutions and Bylaws that each faction argues governs the procedure for how the congregation of EFBC can hold a meeting to terminate its Pastor.

The 1996 EFBC Constitution and Bylaws Article VII, Sub-article I, provides:

A Pastor's term of office may be ended upon thirty (30) days of notification on the part of the Pastor or of the Church by mutual consent. Termination of office shall be voted on at a regularly called business meeting; notice of such meeting and its purpose having been read on two (2) Successive Sundays. A vote of a majority of the members present shall make a valid termination of said office.

(Plaintiffs' Exhibit 1).

In contrast, the Amended 2016 EFBC Constitution and Bylaws Article VII, Sub-Article 4, provides:

The engagement of a Pastor may be terminated by a two-thirds vote of the active members present at a church family conference called for that purpose by the Joint Board. A quorum of not less than thirty (30) percent of the Active members of this Church shall be required for such conference.

(Plaintiffs' Exhibit 2).

The Defendants, the EFBC faction that opposes Pastor Jackson, argues that the 1996 EFBC Constitution and Bylaws governed EFBC's Pastor termination process at the time Pastor Jackson was ousted by the Defendants. The Plaintiffs, the EFBC faction that supports Pastor Jackson, argues that the Amended 2016 Constitution and Bylaws governed EFBC's Pastor termination process at the time Pastor Jackson was terminated. The Plaintiffs further argue that Pastor Jackson was not properly terminated under either Constitution. This Court agrees.

EFBC's Congregation had not adopted the Amended 2016 Constitution and Bylaws when it purportedly terminated Pastor Jackson on April 3, 2017. The Court finds that it was not shown by a preponderance of the evidence that EFBC was operating under the Amended 2016 Constitution and Bylaws at the time Pastor Jackson was terminated. Although, Pastor Jackson, Cynthia Robinson, and Zelma Brown testified that EFBC followed the procedures set out in EFBC's 1996 Constitution and Bylaws to amend the Constitution and Bylaws in 2016, none of them testified as to the specific dates the church met to amend the 1996 Constitution. Furthermore, Cynthia Robinson testified that there was no record that EFBC handed out the Amended 2016 Constitution and Bylaws to EFBC's congregation before it was voted on and she did not have the meeting minutes from the day Defendants claim EFBC voted to adopt the Amended Constitution. Moreover, several of EFBC's members, who testified on behalf of Defendants stated that Pastor Jackson's proposed amended 2016 Constitution and Bylaws were not distributed to the EFBC's members before it was allegedly voted on, or that EFBC never voted on whether to adopt the 2016 Constitution and Bylaws at all. Thus, this Court finds that the Constitution and Bylaws adopted by the EFBC's Congregation in 1996 governed Pastor Jackson's termination at the time he was purportedly terminated from his position in April of 2017.

Regardless, based on the language of both the 1996 EFBC Constitution and Bylaws, as well as the language of the Amended 2016 EFBC Constitution and Bylaws, the Court finds that under either document no church meeting to terminate Pastor Jackson could have occurred in this case. No evidence was presented by the Defendants that Pastor Jackson received thirty (30) days' notice of his termination from the Church as required by the 1996 Constitution and Bylaws. (*See* Plaintiffs' Ex. 1). There was also no evidence presented by Defendants that EFBC gave notice on two (2) successive Sundays that the congregation of EFBC would be voting on whether to

terminate Pastor Jackson at a regularly called business meeting. (Plaintiffs' Ex. 1). Furthermore, the Court was provided no documentary evidence that a majority of the members of EFBC's Congregation voted to terminate Pastor Jackson.

Similarly, no evidence was brought out through Defendants' witness testimony that two-thirds of the active members present at a church family conference ever called for the purpose of terminating Pastor Jackson by the Joint Board as required by the Amended 2016 Constitution and Bylaws. (See Plaintiffs' Ex. 2). Moreover, the Defendants provided no evidence that a quorum of not less than thirty (30) percent of the active members of the EFBC's Congregation voted to terminate Pastor Jackson. (See Plaintiffs' Exhibit 2).

In this case, Pastor Jackson's termination was initiated by an April 3, 2017 letter from the Chairpersons of the Board of Deacons. (Plaintiffs' Ex. 9). The letter explicitly states that EFBC did not have an official church meeting to remove any church leader from their post since Pastor Jackson was hired. (Plaintiffs' Ex. 9). The letter goes on to state that the Chairpersons of the Board of Deacons would inform the entire church family of its decision to terminate Pastor Jackson on April 15, 2017, pursuant to Judge Gravely's March 23, 2017 Order. (Plaintiffs' Ex. 9). Subsequently, on April 10, 2017, Pastor Jackson received another letter from the same individuals that sent him Plaintiffs' Exhibit 9. (See Plaintiffs' Ex. 11). The April 10, 2017 letter stated that the Chairpersons of the Board of Deacons held a special meeting on Sunday, April 9 to inform the church body of their decision to terminate him as Pastor on April 3, 2017, and that the church body had unanimously voted to approve and confirm the Boards decision to terminate Pastor Jackson¹. Pastor Jackson was already "terminated" before the April 9, 2017 special meeting.

¹ The Court notes that the actions of the Board of Deacons were inconsistent with what was stated in both the April 3, 2017 letter (Plaintiffs Ex. 9) and the April 10, 2017 letter (Plaintiffs Ex. 11).

Therefore, under either the 1996 EFBC Constitution and Bylaws or the Amended 2016 EFBC Constitution and Bylaws, EFBC's Congregation never met for the purpose of terminating Pastor Jackson. Since EFBC's Congregation did not vote to dispose of Pastor Jackson prior to this litigation, the Court finds it has subject matter jurisdiction to restore the status quo back to the day Pastor Jackson was wrongfully terminated as EFBC's Pastor by the Chairpersons of the Board of Deacons on April 3, 2017.

3. Plaintiffs' Third Cause of Action

Regarding Plaintiffs' Third Cause of Action for Declaratory Relief, the Plaintiffs request for this Court to declare who the lawful active members of EFBC were during the year of 2016, as well as who the lawful active members of EFBC were during the year of 2017. Since the Court is hereby restoring the status quo of EFBC back to April 3, 2017, to enable the Congregation to act to determine Pastor Jackson's pastoral status, EFBC's membership at that time will be restored as well. The membership at that time will be based on the members listed in Plaintiffs' Exhibit 8 attached to this Order.

4. Plaintiffs' Fourth Cause of Action

Regarding Plaintiffs' Fourth Cause of Action, the Plaintiffs requests that this Court declare John Woodfolk, Timothy McBee, Michael Robinson, Karen Robinson, Dorothy Williams, Cynthia Robinson, and Zelma Brown were unlawfully terminated from their EFBC officer positions. Similar to the Court's analysis of the termination of Pastor Jackson above, the Court finds that no evidence was presented to the Court that EFBC's congregation ever met to terminate any of the above-named individuals from their EFBC positions. Thus, the Court finds it has subject matter jurisdiction to declare that the expulsion of these members by the Defendants faction was a nullity. In any regard, since the Court is restoring the status quo of EFBC back to April 3, 2017, the

membership of the Church at that time will be restored as well. Thus, the Court finds Plaintiffs' Fourth Cause of Action is addressed by the Court's ruling regarding Plaintiffs' Second Cause of Action. To the extent that some of these individuals have passed away, such individuals no longer have the ability to bring such a claim.

5. Plaintiffs' Fifth Cause of Action

Regarding Plaintiffs' Fifth Cause of Action, Plaintiffs requests for this Court to declare that Terry Murray, Donald Cox, Timothy McBee, Derrick Cox, Reginald Jackson, and Willie Foster were unlawfully terminated from their positions as EFBC Trustees and that the Defendants may not prohibit them or any of the other Plaintiffs from accessing the church building. Similar to the Court's analysis of the termination of Pastor Jackson above, the Court finds that no evidence was presented to the Court that EFBC's congregation ever met to terminate any of the above-named individuals from their EFBC positions. Thus, the Court finds it has subject matter jurisdiction to declare that the expulsion of these members by the Defendants faction was a nullity. In any regard, since the Court is restoring the status quo of EFBC back to April 3, 2017, the membership of the Church at that time will be restored as well. Thus, the Court finds Plaintiffs' Fifth Cause of Action is addressed by the Court's ruling regarding Plaintiffs' Second Cause of Action. To the extent that some of these individuals have passed away, such individuals no longer have the ability to bring such a claim.

CONCLUSION

In conclusion, the Court hereby restores the status quo of EFBC back to April 3, 2017, before any of the Plaintiffs to this lawsuit were terminated from their EFBC positions. This enables EFBC's congregation to act pursuant to its 1996 Constitution and Bylaws regarding the expulsion and termination of the named Plaintiffs in this matter. To facilitate this, the Court hereby Orders a

church business meeting of both EFBC factions be scheduled on Saturday, August 30, 2025, at the Enoree River Association, 421 Dallas Road, Greenville, South Carolina, at 2:00 PM. A moderator will be chosen by the attorneys of both parties to preside and if one cannot be chosen then the parties must notify the Court and the Court shall choose a moderator to serve, equally paid by both parties. This business meeting is to be announced to both factions on two successive Sundays beginning on August 17, 2025, and August 24, 2025. These announcements will notify the respective factions that a business meeting of all those who were members of EFBC, based on the members listed in Plaintiffs' Exhibit 8, will meet for the specific purpose of voting on whether Pastor Jackson shall be terminated as EFBC's Pastor. This vote will be taken in accordance with EFBC's 1996 Constitution and Bylaws requiring a vote of a majority of the members to terminate.

The Court hereby retains jurisdiction over this case to assure compliance with this Order, like the trial Court in *Bowen*, until the final vote of EFBC's Congregation is reached on August 30, 2025.

IT IS SO ORDERED.

The Honorable Patrick C. Fant, III
Presiding Circuit Court Judge

July _____, 2025
Greenville, SC

Active Members
Enoree Fork Year 2016/2017

1. Pastor Sylvester Jackson
2. Adams, Exotica
3. Austin, Mekosha
4. Benson, A.P. (Deacon)
5. Benson, Reverend Ruby
6. Black, Betty

7. Brown, Jerry
8. Brown, Zelma (Secretary)
9. Cobb, Telek (Musician)
10. Cox, Akeba
11. Cox, Derrick (Trustee)
12. Cox, Donald (Trustee)
13. Cox, Betty
14. Dawkins, Alraa
15. Dawkins, Betty
16. Dawkins, Mable
17. Dawkins, Min. Larry
18. Foster, Willie (Trustee)
19. Gist, Birdie
20. Glymph, Jackie
21. Golden, Virginia

22. Gooda, Xzavier
23. Grady, Donald
24. Harmon, Margaret
25. Hawthorne, Janelle (Musician)
26. Houston, Trudy
27. Jackson, Anita Yvette
28. Jackson, Daijahnique
29. Jackson, Mangalene "Lane"
30. Jackson, Reginald (Trustee)
31. Jamison - Jackson, Thurshia
32. Jones, Quintella
33. Linder, Marilyn
34. McBea, Tim (Trustee)
35. McClintock, Fennie
36. McDonald, Karen
37. Miller, Rosie
38. Morris, Christopher
39. Murray, Ernest (Trustee)
40. Nelson, Roosevelt (Trustee)
41. Robinson, Cynthia (Clerk)
42. Robinson, Georgia Mae
43. Robinson, Michael
44. Robinson, Minister Karen
45. Simmons, James E. (resigned)
46. Sims, James (Deacon)
47. Smith, Jacqueline
48. Smith, Toy
49. Thomas, Janie M
50. Thomason, Curtis
51. Thomason, LC (resigned)
52. Thomason, Sarah

PLAINTIFF'S
EXHIBIT

8 2019-103103

J. Brown

53. Todd, Corine
54. Valentine, Sarah
55. Williams, Minister Dorothy
56. Wofford, Geraldine
57. Woodfolk, Deacon John
58. Woodfolk, Margaret

**Inactive Members
Enoree Fork Year 2016/2017**

1. Baskerville, Shelby
2. Booker, Carolyn
3. Boyce, Kirk
4. Davis, Brenda
5. Davis, Jimmy
6. Dawkins, Lois - (Health)
7. Dawkins-Posey, Janette
8. Duck, Carolyn
9. Duck, Rodney (resigned)
10. Griffin, Sarah
11. Harmon, Kenyatta
12. Hicks, Yvonne
13. Holmes, Deborah
14. Houston, Tyrone
15. Hurst, Carol
16. Johnson, Deborah
17. Jones, Sherecka
18. Ladson, Margie
19. Ladson, William
20. Latta, Rev. Hoover - (Health)
21. Leatherwood, Brenda
22. Leatherwood, Nelson (Health)
23. Pickett, Mary
24. Pinson, Pauline - (Health)
25. Radden, Mae - (Health)
26. Rice, Yvonne - (Health)
27. Robinson, Clarissa
28. Sims, Charlene
29. Sims, James Travis
30. Sims, Jurline
31. Skinner, Regina
32. Smith, Charles "Bennie"
33. Smith, Robin
34. Thomas, Demetrice
35. Thomas, Isaiah
36. Thomas, Jannette
37. Thomason, Dorothy M.
38. Thomason, Kim
39. Thomason, Laura Pearl

- 40. Thomason, Murtis- (Health)
- 41. Wright, JoAnn - (Health)

Associate Members
Enoree Fork Year 2016/2017

- 1. Brown Deacon James _____
- 2. Duckett Kim _____
- 3. Henderson Mattie _____
- 4. Leake Elder Regina _____
- 5. Leake Willis _____

ELECTRONICALLY FILED - 2025 Jul 31 3:10 PM - GREENVILLE - COMMON PLEAS - CASE#2019CP2306363
 ELECTRONICALLY FILED - 2017 Sep 11 1:02 PM - GREENVILLE - COMMON PLEAS - CASE#2017CP2305851



Greenville Common Pleas

Case Caption: Sylvester Jackson , plaintiff, et al vs. Charles Bennie Smith ,
defendant, et al
Case Number: 2019CP2306363
Type: Order/Other

So Ordered

Patrick C. Fant, III

EXHIBIT 4

**JUDGE FANTS ORDER DENYING RULE 59
RELIEF AND MOTION TO APPEAR BY ENOREE
FORK BAPTIST CHURCH FOR A LIMITED
PURPOSE**

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP2306363

Sylvester Jackson et al
PLAINTIFF(S)

Charles Bennie Smith et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Please see the attachment on Page 2 below.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/12/2025 .

Case Party Info Protected

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

This matter is before the Court pursuant to multiple motions filed by the Parties after the Court filed its Order Regarding Plaintiffs' Causes of Action for Declaratory Judgment on August 31, 2025.

Regarding Defendants' Motion to Stay Pending Appeal (Rule 62; Rule 221, SCACR), the Court hereby Denies the Defendants' Motion.

Regarding Defendants' Petition for Writ of Supersedeas (Rule 65, SCRCP; Rule 221, SCACR), the Court hereby Denies the Defendants' Petition.

Regarding Defendants' Motion to Alter or Amend Judgment, For Rehearing, or Vacatur (Rule 59, SCRCP), the Court hereby Denies the Defendants' Motion.

Regarding Defendants' Supplemental Rule 59(e) Motion, the Court hereby Denies the Defendants' Motion.

Regarding Plaintiffs' Motion to Alter or Amend Judgment Under SCRCP Rule 59(e), the Court hereby Denies the Plaintiffs' Motion.

It is so ordered.



Greenville Common Pleas

Case Caption: Sylvester Jackson , plaintiff, et al vs. Charles Bennie Smith ,
defendant, et al
Case Number: 2019CP2306363
Type: Order/Electronic Form 4

So Ordered

Patrick C. Fant, III

EXHIBIT 5

WRIT OF SUPERSEDES BEFORE JUDGE FANT

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

Case No.: 2019CP2306363

COUNTY OF GREENVILLE

SYLVESTER JACKSON, KAREN ROBINSON, MICHAEL ROBINSON, DOROTHY WILLIAMS, JOHN WOODFOLK, ERNEST "TERRY" MURRAY, DONALD COX, TIMOTHY MCBEE, DERRICK COX, REGINALD JACKSON, WILLIE FOSTER, CYNTHIA ROBINSON, ZELMA BROWN, TELEK COBB, SARAH THOMASON, AND THURSHIA JAMISON-JACKSON,

Plaintiff(s),

CASE NO.: 2019CP2306363
Civil Action No.: 2017-CP-23-06127
(consolidated)

PETITION FOR WRIT OF SUPERSEDEAS

(RULE 65, SCRPC; RULE 221, SCACR)

v.

CHARLES "BENNIE" SMITH, ROBIN SMITH, LARRY DAWKINS, MABLE DAWKINS, JIMMY DAVIS, BRENDA DAVIS, DOROTHY THOMASON, L.C. THOMASON, AND JAMES SIMS,

Defendant(s).

Enoree Fork Baptist Church

Plaintiff

vs

SYLVESTER JACKSON, STEPPING-STONES MINISTRIES, INC., WILLIAM M. LANDRETH, CORDELL PORTER, DONALD COX, CRESCOM

BANK/FORMERLY GREER STATE
BANK AND RODNEY BUTLER, ERNEST
MURRAY

DEFENDANTS

TO THE HONORABLE COURT:

Defendants Charles "Bennie" Smith, Robin Smith, Larry Dawkins, Mable Dawkins, Jimmy Davis, Brenda Davis, Dorothy Thomason, L.C. Thomason, and James Sims ("Petitioners"), by and through undersigned counsel, respectfully petition this Honorable Court pursuant to Rule 65, SCRCF, and Rule 221, SCACR, for a Writ of Supersedeas to stay the execution and enforcement of the Order entered July 31, 2025, pending the determination of Petitioners' Motion to Alter or Amend Judgment under Rule 59, SCRCF, and any subsequent appeal.

NATURE OF THE PROCEEDING

This petition arises from the Court's July 31, 2025 Order that purports to bind Enoree Fork Baptist Church ("EFBC") as an entity and direct its internal governance, despite EFBC never being named as a party to this action. The Order violates fundamental principles of due process, subject matter jurisdiction, and the First Amendment's protection of religious autonomy.

STANDARD FOR SUPERSEDEAS

Under South Carolina law, a writ of supersedeas is appropriate when:

1. There is a substantial likelihood of success on the merits of the appeal
2. Irreparable injury will result if the stay is not granted
3. The threatened injury to the petitioner outweighs the harm to the opposing party
4. The public interest favors granting the stay

See Rule 221, SCACR; *Sloan v. S.C. Bd. of Physical Therapy Exam'rs*, 370 S.C. 452 (2006).

GROUNDS FOR SUPERSEDEAS

I. SUBSTANTIAL LIKELIHOOD OF SUCCESS ON THE MERITS

Petitioners have demonstrated a substantial likelihood of success on their pending Rule 59 Motion and any subsequent appeal based on multiple reversible errors:

A. Fundamental Lack of Subject Matter Jurisdiction

The Court lacks authority to enter orders binding EFBC when it was never named as a party, served with process, or brought before this Court. Under South Carolina law:

A court cannot bind non-parties to litigation. *Ballington v. Paxton*, 327 S.C. 372 (Ct. App. 1997).

Subject matter jurisdiction cannot be waived and may be raised at any time. *Black v. Springfield*, 217 S.C. 413 (1950).

Churches cannot be bound by orders directed to individual members absent proper joinder. *Knotts v. Williams*, 319 S.C. 473 (1995).

B. Constitutional Violations Under the First Amendment

The Order violates the Establishment and Free Exercise Clauses by:

Directing internal church governance and ecclesiastical procedures

Mandating specific religious meetings and decision-making processes

Appointing judicial oversight of religious affairs

Exceeding the constitutional limits of the "neutral principles" doctrine

See Watson v. Jones, 80 U.S. 679 (1872); *Presbyterian Church v. Hull Church*, 393 U.S. 440 (1969); *Ira Banks v. St. Matthew Baptist Church*, 406 S.C. 156 (2013).

C. Failure to Join Indispensable Party

EFBC qualifies as an indispensable party under Rule 19, SCRCP, because:

Complete relief cannot be accorded among existing parties without the church's participation

The church's interests will be substantially impaired by disposition in its absence

Existing parties face the risk of inconsistent obligations

The church cannot now be joined due to statute of limitations, requiring dismissal under Rule 19(b), SCRCF.

D. Improper Reliance on Interlocutory Summary Judgment Ruling

The Court erroneously relied on Judge Gravely's denial of summary judgment as dispositive of party joinder issues. Under South Carolina law, denial of summary judgment:

Is not a final adjudication on the merits. *Ballenger v. Bowen*, 313 S.C. 476 (1994).

Does not establish law of the case. *Coastal Fed. Credit Union v. Brown*, 417 S.C. 544 (Ct. App. 2016).

May be revisited at any stage of proceedings. *Holloman v. McAllister*, 289 S.C. 183 (1986).

II. IRREPARABLE HARM

Absent a stay, Petitioners and the church community will suffer irreparable harm:

A. Constitutional Injury

Ongoing violation of First Amendment rights constitutes irreparable harm per se. *Elrod v. Burns*, 427 U.S. 347 (1976). The enforcement of unconstitutional orders cannot be remedied by monetary damages.

B. Religious Autonomy Violations

Court-mandated interference with internal church governance causes:

- Disruption of protected religious practices

Violation of ecclesiastical independence

Permanent damage to church autonomy principles

Coerced participation in judicially-supervised religious activities

C. Due Process Violations

Binding a non-party entity without notice and opportunity to be heard violates fundamental due process rights that cannot be restored once violated.

D. Community and Ecclesiastical Disruption

Enforcement will create:

Irreversible schisms within the religious community

Confusion over legitimate church authority

Ongoing judicial entanglement in religious affairs

Precedent for future governmental interference

III. BALANCE OF HARMS

The balance of harms weighs decisively in favor of granting supersedeas:

A. Harm to Petitioners

As detailed above, enforcement causes irreparable constitutional, religious, and due process injuries that cannot be quantified or remedied.

B. Limited Harm to Plaintiffs

A temporary stay merely preserves the status quo pending resolution of fundamental jurisdictional and constitutional issues. Plaintiffs have waited eight years since the underlying dispute; a brief additional delay pending proper adjudication causes minimal harm.

C. Ability to Protect Plaintiffs' Interests

If Plaintiffs ultimately prevail after proper adjudication, their interests can be fully protected through appropriate relief that respects constitutional limitations.

IV. PUBLIC INTEREST

The public interest strongly favors granting supersedeas:

A. Constitutional Protection

Preventing judicial overreach into religious affairs serves the fundamental constitutional principle of separation of church and state.

B. Due Process Safeguards

Ensuring entities cannot be bound without proper notice and participation protects procedural due process for all citizens.

C. Judicial Restraint

Preventing courts from exceeding constitutional and statutory authority serves the public interest in limited government and separation of powers.

D. Religious Freedom

Protecting religious autonomy from governmental interference serves the broader public interest in maintaining religious liberty.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Honorable Court:

1. **GRANT** this Petition for Writ of Supersedeas pursuant to Rule 65, SCRCR, and Rule 221, SCACR;
2. **STAY** the execution and enforcement of the July 31, 2025 Order pending the determination of Petitioners' Rule 59 Motion and any subsequent appeal;

3. **ENJOIN** all parties from taking any action to implement or enforce the provisions of the July 31, 2025 Order during the pendency of the stay;
4. **ORDER** that no bond be required as no money damages were awarded and the relief sought is purely declaratory and injunctive in nature;
5. **GRANT** such other and further relief as this Court deems just and proper.

s/Fletcher N. Smith, Jr.
Fletcher N. Smith, Esq. (SC Bar #5165)
Post Office Box 10496
Greenville, SC 29601
Tel: (864) 232-6541
Fax: (864) 232-6756
ATTORNEYS FOR PLAINTIFF

Greenville, SC

August 2, 2025

EXHIBIT 6

MOTION TO STAY BEFORE JUDGE FANT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
Case No.: 2019CP2306363

SYLVESTER JACKSON, KAREN
ROBINSON, MICHAEL ROBINSON,
DOROTHY WILLIAMS, JOHN
WOODFOLK, ERNEST "TERRY"
MURRAY, DONALD COX, TIMOTHY
MCBEE, DERRICK COX, REGINALD
JACKSON, WILLIE FOSTER, CYNTHIA
ROBINSON, ZELMA BROWN, TELEK
COBB, SARAH THOMASON, AND
THURSHIA JAMISON-JACKSON,

CASE NO.: 2019CP2306363
Civil Action No.: 2017-CP-23-06127
(consolidated)

MOTION TO STAY PENDING APPEAL
(RULE 62, SCRPC; RULE 221, SCACR

Plaintiff(s),

v.

CHARLES "BENNIE" SMITH, ROBIN
SMITH, LARRY DAWKINS, MABLE
DAWKINS, JIMMY DAVIS, BRENDA
DAVIS, DOROTHY THOMASON, L.C.
THOMASON, AND JAMES SIMS,

Defendant(s).

Enoree Fork Baptist Church

Plaintiff

vs

SYLVESTER JACKSON, STEPPING-
STONES MINISTRIES, INC., WILLIAM M.
LANDRETH, CORDELL PORTER,
DONALD COX, CRESCOM
BANK/FORMERLY GREER STATE BANK
AND RODNEY BUTLER, ERNEST
MURRAY

DEFENDANTS

TO THE HONORABLE COURT:

In the alternative, and in conjunction with the foregoing Petition for Writ of Supersedeas, Defendants hereby move pursuant to Rule 62, SCRPC, and Rule 221, SCACR, for an order staying the execution of the July 31, 2025 Order pending appeal.

GROUNDS FOR STAY

I. AUTOMATIC STAY UNDER RULE 62(a), SCRPC

To the extent the July 31, 2025 Order constitutes a judgment for injunctive relief, execution is automatically stayed for thirty (30) days under Rule 62(a), SCRPC. This automatic stay should be extended pending appeal.

II. DISCRETIONARY STAY UNDER RULE 62(d), SCRPC

Alternatively, this Court has discretion under Rule 62(d), SCRPC, to stay execution of the judgment upon such terms as are just. The same factors supporting supersedeas (likelihood of success, irreparable harm, balance of harms, and public interest) support granting a discretionary stay.

III. APPELLATE STAY UNDER RULE 221, SCACR

Under Rule 221, SCACR, this Court may grant a stay pending appeal of any order or judgment. The constitutional and jurisdictional issues presented warrant such a stay to prevent irreparable harm pending appellate resolution.

CONDITIONS OF STAY

I. BOND REQUIREMENT

No bond should be required because:

1. **No Money Damages Awarded:** The July 31, 2025 Order contains no award of money damages, only declaratory and injunctive relief. Under Rule 62(d), SCRPC, and Rule 221(d), SCACR, a bond is intended to secure payment of damages that might be awarded on appeal. Where no monetary award exists, no bond is necessary to protect against such damages.

2. **Declaratory Judgment Action:** This case seeks only declaratory relief regarding church governance, not monetary compensation. A stay of declaratory relief cannot cause compensable damages requiring security.
3. **No Demonstrable Monetary Harm:** Plaintiffs cannot demonstrate that a temporary stay pending appeal would cause quantifiable monetary damages warranting bond protection.
4. **Constitutional Issues:** The underlying constitutional violations cannot be remedied through monetary compensation, making bond security inappropriate.

See Rule 62(d), SCRCP; Rule 221(d), SCACR; *Sloan v. S.C. Bd. of Physical Therapy Exam'rs*, 370 S.C. 452 (2006).

II. DURATION OF STAY

The requested stay should remain in effect:

1. Until final disposition of Defendants' Rule 59 Motion; and
2. If appeal is taken, until final resolution of all appellate proceedings, including any petition for certiorari to the South Carolina Supreme Court.

PRAYER FOR RELIEF

WHEREFORE, Defendants respectfully request that this Honorable Court:

1. **GRANT** this Motion to Stay pursuant to Rule 62, SCRCP, and Rule 221, SCACR;
2. **STAY** execution of the July 31, 2025 Order pending appeal;
3. **ORDER** that no bond be required as no money damages were awarded and the relief is purely declaratory;
4. **ORDER** that the stay remain in effect until final resolution of all post-trial motions and appeals;
5. **GRANT** such other and further relief as this Court deems just and proper.

Respectfully submitted,
s/ Fletcher N. Smith, Jr.
FLETCHER N. SMITH, JR., ESQ.
South Carolina Bar No. 5165
Attorney for Defendants
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Greenville, S.C. 29601

Dated: August 2, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Writ of Supersedeas and Motion to Stay has been served upon all parties or their counsel of record by electronic filing and service via the South Carolina Electronic Filing System.

Counsel for Plaintiffs:

[Name and address of opposing counsel]

This _____ day of August, 2025.

s/Fletcher N. Smith, Jr.
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ATTORNEYS FOR PLAINTIFF

Greenville, SC

March 11, 2025

RECEIVED

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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas**

The Honorable Patrick C. Fant, III

**Appellate Case No.: 2025-001623
Civil Action Case No.: 2019CP2306363
Consolidated Civil Action No.: 2017CP2306127**

Enoree Fork Baptist Church Plaintiff

v.

Sylvester Jackson, Stepping-Stone Ministries, Inc., William M. Landreth, Landreth Properties, LLC, Cordell Porter, Donald Cox Ernest Murray, CresCom Bank/Formerly Greer State Bank, and Rodney Butler Defendants,

AND

Sylvester Jackson, Karen Robinson, Michael Robinson, Dorothy Williams, John Woodfold, Ernest "Terry" Murray, Donald Cox, Timothy McBee, Derrick Cox, Reginald Jackson, Willie Foster, Cynthia Robinson, Zelma Brown, Telek Cobb, Sarah Thomason, and Thurshia Jamieson-Jackson Respondents,

v.

Charles "Bennie" Smith, Robin Smith, Larry Dawkins, Mable Dawkins, Jimmy Davis, Brenda Davis, Dorothy Thomason, L.C. Thomason, and James Sims Appellants.

PROOF OF SERVICE

I certify that the foregoing **Return and Memorandum In Opposition To Respondents' Return To Enoree Fork Baptist Church's Motion To Make An Appearance And Limited Representation**, was served on the following counsel of record by electronic mail on this 8th day of September, 2025:

Rustin B. Duncan (SC Bar #81465) <
King Law Offices, PC
955 W. Wade Hampton Blvd, Ste 8A
Greer, SC 29560

Respectfully submitted,

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September 8, 2025
Greenville, South Carolina